



## Bahrain

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Bahrain is a hereditary emirate with few democratic institutions and no political parties. The Al-Khalifa extended family has ruled the country since the late 18th century and dominates all facets of its society and government. The Constitution confirms the Amir as hereditary ruler. The Amir, Shaikh Hamad Bin Isa Al-Khalifa, governs the country with the assistance of his uncle, the Prime Minister, his son, the Crown Prince, an appointed cabinet of ministers, and an appointed Consultative Council that advises the Government on all new legislation. In 1975 the Government suspended some provisions of the 1973 Constitution, including those articles relating to the National Assembly, which was disbanded and never reinstituted. Citizens belong to the Shi'a and Sunni sects of Islam, with the Shi'a constituting over two-thirds of the indigenous population. However, Sunnis predominate politically and economically because the ruling family is Sunni and is supported by the armed forces, the security services, and powerful Sunni and Shi'a merchant families. The political situation generally was calm during the year; there were a few incidents of low-level political unrest, but there has not been significant unrest since 1996. In February an overwhelming majority of eligible citizens, both male and female endorsed a government plan entitled the National Action Charter to restore constitutional rule. On October 2, the Amir affirmed that the country would become a constitutional monarchy, with a government based on separation of powers, majority rule, and minority rights. There are few judicial checks on the actions of the Amir and his Government, and the courts are subject to government pressure and occasional accusations of corruption; however, the judiciary provides some checks on government authority.

The Ministry of Interior is responsible for public security. It controls the public security force (police) and the extensive security service, which are responsible for maintaining internal order. The Bahrain Defense Force (BDF) is responsible for defending against external threats. It did not play a role in internal security during the year. Security forces committed a few serious human rights abuses.

The country has a population of approximately 700,000, an estimated one-third of whom are noncitizens, and many of whom are Asian workers. It has a mixed economy with government domination of many basic industries, including the production of aluminum and the production and processing of hydrocarbons. The country is a regional financial and business center, as well as depends on tourism, particularly via the causeway to Saudi Arabia, as a significant source of income. The Government has used its modest oil revenues to build a highly advanced transportation and telecommunications infrastructure. Higher oil prices in 2000 and much of the year boosted economic growth and provided additional resources for new government projects. Possessing limited oil and gas reserves, the Government is working to diversify its economic base, concentrating on light manufacturing and the service sectors. The Government encouraged private national and international investment with some positive results. Per capita gross domestic product (GDP) is approximately \$12,000.

The Government generally respected its citizens' human rights in a number of areas and improved significantly in other areas; however, its record remained poor in some areas, particularly with respect to the rights of workers. The Government denies citizens the right to change their government; however, the February referendum on the National Action Charter, provides a template for the return of the country to constitutional rule.

In February the Amir annulled the 1974 State Security Act, which had superseded the Constitution and permitted arbitrary arrest and detention, incommunicado and prolonged detention, and forced exile. By February 14, the Amir had released all remaining political detainees and prisoners and invited nearly all exiles to return with full citizenship rights. Most have done so. The Amir also abolished the State Security Court, which held secret trials and provided few procedural safeguards. Nonetheless, impunity remains a problem; there were no known instances of security force personnel being punished for abuses committed during the

year or in the past. The abolition of the State Security Court restored to the public the right to a fair public trial. The judiciary is nominally independent, but it still remains subject to government pressure. The press has published allegations that some judges are corrupt. The Government continued to infringe to some extent on citizens' privacy rights. The Government imposed some restrictions on the freedoms of speech and the press, and restricted freedoms of assembly and association; however, during the year, public criticism of government policies increased, and the Government did not interfere with or disperse some unauthorized demonstrations. A committee worked during the year to develop legislation to define and regulate nongovernmental organizations (NGO's). The Government also imposes some limits on freedom of religion and freedom of movement. In May the Government registered the Bahrain Human Rights Society, the country's first human rights NGO. Violence against women, and discrimination based on sex, religion, and ethnicity remains a problem. The Government restricts worker rights, and widespread abuse of foreign workers occurs, including numerous instances of forced labor. Trafficking of foreign women into domestic servitude or sexual exploitation is a problem.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

Impunity remains a problem. There were no investigations or prosecutions of any security force personnel for alleged extrajudicial killings committed in previous years.

#### b. Disappearance

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture and other cruel, inhuman, or degrading treatment or punishment; however, there were a few reports of police abuse of civilians during the year. The press reported in September an incident in which police officers beat a suspect; however, the details regarding the beating were not reported in the press. The individual was released from custody and personally compensated by the Amir. On December 9, two Shi'a men reported that they were beaten at a police station when they resisted arrest (see Section 1.d.).

In the past, there were credible reports that prisoners often were beaten, both on the soles of their feet and about the face and head, burned with cigarettes, deprived of sleep for long periods of time, and in some cases subjected to electrical shocks. Before the annulment of the State Security Act in February, the Government had difficulty in rebutting allegations of torture and of other cruel, inhuman, or degrading practices because it permitted incommunicado detention and detention without trial. There continued to be no known instances of officials being punished for human rights abuses committed either during the year or in any previous year.

Unlike in previous years, there were no allegations that security forces threatened female detainees with rape or inflicted other forms of sexual abuse and harassment on them while they were in custody. Juvenile prisoners are housed separately until the age of 15.

Credible observers claim that the prisons generally meet international standards. Local defense attorneys report that care and treatment of their clients continued to improve. In addition the release of hundreds of detainees from prison (see Section 1.d.), totaling more than 1,500 since 1999, and the reduced number of arrests during the year, eased overcrowding. At the Government's invitation, the International Committee of the Red Cross (ICRC) continued the series of visits to prisons that it began in late 1996.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution states that "no person shall be arrested, detained, imprisoned, searched or compelled to reside in a specified place...except in accordance with the provisions of the law and under the supervision of the judicial authorities." With one known exception, the authorities observed these provisions in practice during the year. On December 9, two Shi'a men were detained without a court warrant, although they were released within the 48-hour time period specified by the Constitution (see Section 1.c.).

The police may only detain a suspect for 48 hours without obtaining a court order. Since the February abolition of the State Security Act, courts have refused police requests to detain suspects longer than 48 hours, and the police have complied with court orders to release suspects. Judges may grant bail to a suspect. However, attorneys still require a court order to visit detainees in jail.

In February the Amir annulled the 1974 State Security Act. For the previous 26 years, the Act had taken precedence over the Constitution in matters regarding arrest, detention, or exile. Under the Act, the authorities were permitted to detain persons for up to 3 years without trial for engaging in activities or making statements regarded as a threat to the broadly defined concepts of national harmony and security. The scope of the State Security Act extended to any case involving arson, explosions, or attacks on persons at their place of employment or because of the nature of their work.

Government security forces had used the State Security Act to detain, arrest, question, or warn persons deemed to be engaging in antigovernment activities, including membership in illegal organizations or those deemed subversive; painting antigovernment slogans on walls; joining antigovernment demonstrations; possessing or circulating antigovernment writings; preaching sermons considered by the Government to have an antigovernment political tone; and harboring or associating with persons who committed such acts. However, there were no detentions in connection with such activities during the year, either before or after the annulment of the State Security Act.

The Ministry of Interior oversees the security service, police, and Public Prosecutor. During the year, the Government, at the direction of the Amir, was drafting a law that would transfer the Public Prosecutor's office from the Ministry of Interior to the Ministry of Justice and Islamic Affairs, and thirteen prosecutors were being trained to staff the new office. The Ministry of Interior is responsible for all aspects of prison administration. Access to attorneys is restricted. In the early stages of detention, prisoners and their attorneys must seek a court order to be able to meet. Prisoners may receive visits from family members, usually once a month. Before the annulment of the State Security Act and the release of all prisoners and detainees held under the Act, the authorities rarely permitted visits to inmates who had been incarcerated for security-related offenses, and such prisoners at times were held incommunicado for months, or sometimes years.

By February 14, the Amir had pardoned and ordered the release of all persons who had been detained under the State Security Act, including Shi'a clerics and political activists Abdul Wahab Hussain, Hassan Mushaimaa, Hassan Sultan, Haji Hassan Jarallah, and Abdul Jahil Khadim. The most prominent Shi'a cleric, Shaikh Abdul Amir Al-Jamri, was pardoned in 1999 (see Sections 1.e. and 2.c.).

The annulment of the State Security Act made forced exile illegal, and there were no reports of new cases of forced exile during the year. By February 14, the Amir had pardoned 108 exiles who had requested to return to the country, and invited nearly all remaining exiles to return with full citizenship rights. Most have done so. In the past, the Government revoked the citizenship of persons whom it considered to be security threats. The Government considered such persons to have forfeited their nationality under the Citizenship Act of 1963 because they accepted foreign citizenship or passports or engaged in antigovernment activities abroad.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judiciary is not independent, and courts are subject to government pressure regarding verdicts, sentencing, and appeals. The Amir appoints judges upon the recommendation of the Supreme Judicial Council. The Minister of Justice and Islamic Affairs may comment on Supreme Judicial Council recommendations. Judges' terms are from appointment until the age of retirement from government service, which is set at age 60. A five-member committee of the Supreme Judicial Council oversees the procedures and rulings of judges. The committee may recommend suspension or removal of a judge whose rulings do not meet court standards.

The civil and criminal legal systems consist of a complex mix of courts, based on diverse legal sources, including Sunni and Shi'a Shari'a (Islamic law), tribal law, and other civil codes and regulations. The Amir's annulment of the 1974 State Security Act abolished its separate, closed security court system, which had jurisdiction in cases of alleged antigovernment activity.

The Bahrain Defense Force maintains a separate court system for military personnel accused of offenses under the Military Code of Justice. Military courts do not review cases involving civilian, criminal, or security offenses.

Defendants may choose their own attorneys. If they are unable to afford a private attorney, defendants may ask the Justice Ministry to appoint an attorney to represent them in court. In the past, some attorneys and

family members involved in politically sensitive criminal cases claimed that the Government interfered with court proceedings to influence the outcome or to prevent judgments from being carried out; however, there were no such reports during the year. There are occasional allegations of corruption in the judicial system.

In past cases, the Amir, the Prime Minister, and other senior government officials have lost civil cases brought against them by private citizens; however, the court-ordered judgments are not always implemented expeditiously. Members of the ruling Al-Khalifa family are well represented in the judiciary and generally do not recuse themselves from cases involving the interests of the Government.

Civil or criminal trial procedures provide for an open trial, the right to counsel (with legal aid available when necessary), and the right to appeal. Criminal court proceedings generally do not appear to discriminate against women, children, or minority groups. Prior to the annulment of the State Security Act in February, there was credible evidence that persons accused of antigovernment crimes who were tried in the criminal courts were denied fair trials. Such trials were held in secret, and the defendants were not permitted to speak with an attorney until their appearance before the judge at the preliminary hearing.

The annulment of the State Security Act abolished the State Security Court, which had tried security cases in secret. Procedures in the Security Court did not provide for even the most basic safeguards. No cases were tried before the Security Court before it was abolished in February.

Until February 14, the Government had held in detention hundreds of Shi'a for offenses involving "national security." In June 1999, the Government gradually began releasing incarcerated individuals as part of an Amiri decree calling for the release or pardon of more than 350 Shi'a political prisoners, detainees, and exiles. In December 1999 and during 2000, the Amir pardoned at least another 350 prisoners. On February 6, the Amir pardoned an additional 298 political prisoners and detainees, and pardoned 108 exiles who had requested to return to the country. By February 14, the Amir had pardoned and released all political prisoners and detainees, including Hassan Sultan and Haji Hassan Jassallah, two Shi'a clerics associated with prominent cleric Shaikh Abdul Amir Al-Jamri, as well as Shi'a religious leader and political activist Abdul Wahab Hussein, who had been in detention for more than 5 years. In accordance with tradition, the Government releases and grants amnesty to some prisoners on major holidays, including individuals imprisoned for political activities.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

With the abolition of the State Security Act, searches of private premises without warrants are illegal; the police now must obtain a search warrant from a judge to enter private premises. The State Security Act had allowed the Ministry of Interior to authorize entry into private premises without specific judicial intervention. Nonetheless, the Government occasionally continued to infringe on citizens' right to privacy, although such reports declined significantly during the year. The Government continued to carry out some illegal searches. Telephone calls and personal correspondence remain subject to monitoring. Police informer networks are extensive and sophisticated.

There were no reports during the year of security forces setting up checkpoints at the entrances to villages, conducting vehicle searches, and requiring proof of identity from anyone seeking to enter or exit. A government-controlled proxy prohibits user access to Internet sites considered to be antigovernment or anti-Islamic (see Section 2.a.).

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for the right "to express and propagate" opinions; however, the Government limits this right in practice. Criticism of government policies, including discussion of sectarian issues, unemployment, and housing increased in both speeches and in the press; however, criticism of the ruling family or of the Saudi royal family, and fostering sectarian divisions, remain prohibited strictly. In October the Information Ministry banned the publications of Hafidh Al-Shaikh, a frequent columnist in local papers, allegedly for fostering sectarian divisions in society. Some claimed that an article by Al-Shaikh published in a Lebanese newspaper criticizing Bahrain's Crown Prince was the reason for this banning.

Local press coverage and commentary on international issues is open, and discussion of local economic and commercial issues also is relatively unrestricted. Journalists exercise self-censorship on sensitive matters, such as the fostering of sectarianism, criticism of the ruling family, and criticism of the Saudi royal family. Individuals express critical opinions openly regarding domestic political and social issues in private settings and occasionally on state-run television call-in shows, but rarely do so to leading government officials or in

organized public forums.

The Information Ministry controls local broadcast media and exercises considerable influence over local print media. Newspapers are owned privately, but they usually exercise self-censorship in articles covering sensitive topics, and defer to Information Ministry demands. In the past, the Government occasionally revoked the press credentials of foreign journalists who reported unfavorably on the Government's domestic policies. Because the Ministry controls foreign journalists' residence permits, unfavorable coverage in some cases in the past has led to deportation. However, there were no reports that the Government revoked press credentials during the year. The Government generally afforded foreign journalists access to the country and did not limit their contacts.

In late September 2000, the newly formed Bahrain Journalists Association elected its first board of directors. Some journalists view the lack of competition for the chairmanship of the board and the preponderance of government employees accepted as members, as signs that it will not be independent.

The Government owns and operates all radio and television stations. Radio and television broadcasts in Arabic and Farsi from neighboring countries and Egypt are received without interference. The Cable News Network (CNN) is available on a 24-hour basis by subscription, and the British Broadcasting Corporation (BBC) World News Service is carried on a local channel 24 hours a day, free of charge. During the year, the Government ceased jamming foreign broadcasts into the country (see Section 1.f.). Unlike in previous years, there were no complaints by international news services regarding press restrictions.

Most senior government officials and ruling family members, as well as major hotels and affluent private citizens, use satellite dishes to receive international broadcasts. Government approval to access satellite dishes and to import or install dishes no longer is required. Bahrain Television's satellite subscription service does not offer access to the Qatar-based Al-Jazeera channel, which otherwise broadcasts widely throughout the Middle East and North Africa.

Access to the Internet is provided through the National Telephone Company (BATELCO). A government-controlled proxy prohibits user access to sites considered to be antigovernment or anti-Islamic. The software used is unreliable and often inhibits access to uncontroversial sites as well. E-mail use is unimpeded, although it may be subject to monitoring (see Section 1.f.). Approximately 235,000 residents of the country, slightly more than one-third of the population, use the Internet.

Although there are no formal regulations limiting academic freedom, in practice academics avoid contentious political issues. University hiring and admissions policies appear to favor Sunnis and others who are assumed to support the Government, rather than focusing on professional experience and academic qualifications. However, there continued to be some improvement in the hiring of qualified individuals in a nondiscriminatory manner during the year, and a few Shi'a professors, including women, were hired.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of free assembly; however, the Government restricts its exercise by requiring that organizers of public events acquire permits, which are not granted in a routine fashion. The law prohibits unauthorized public gatherings of more than five persons. The Government controls gatherings that might take on a political tone.

During the year, the Government authorized demonstrations in August and in October to protest Israeli actions in the occupied territories. A series of unauthorized demonstrations concerning the unemployment situation occurred in August and September. Several unauthorized demonstrations occurred in October, November, and December. The Government did not intervene to prevent any of them.

The Constitution provides for the right of free association; however, the Government limits this right. The Government prohibits political parties. However, during the year, four new NGO's were granted exemptions to the law and authorized to conduct political activities related to the organizations' purposes. Some professional societies and social and sports clubs traditionally have served as forums for discreet political discussion, and during the year, the Government began sanctioning the establishment of community and charitable, issue-oriented, and political NGO's. A subcommittee of the National Action Charter Committee worked during the year to develop legislation to define and regulate NGO's. Previously only the Bahraini Bar Association was exempt from the regulations that require that the charters of all associations include a commitment to refrain from political activity.

#### c. Freedom of Religion

The Constitution states that Islam is the official religion and also provides for freedom of religion; however, there are some limits on this right. The Government subjects both Sunni and Shi'a Muslims to control and monitoring. Members of other religions who practice their faith privately do so without interference from the Government.

Every religious group must obtain a permit from the Ministry of Justice and Islamic Affairs in order to operate. Holding a religious meeting without a permit is illegal. There were no reports of religious groups being denied a permit during the year.

The Government funds, monitors, and closely controls all official religious institutions. These include Shi'a and Sunni mosques, Shi'a ma'tams (community centers), Shi'a and Sunni waqfs (charitable foundations), and the religious courts, which represent both the Ja'afari (Shi'a) and Maliki (Sunni) schools of Islamic jurisprudence. The Government rarely interferes with what it considers legitimate religious observations. Political activity in religious institutions increased during the year. In the past, the Government actively had suppressed activity deemed overtly political in nature, occasionally closing mosques and ma'tams for allowing political demonstrations to take place on or near their premises and detaining religious leaders for delivering political sermons or for allowing such sermons to be delivered in their mosques. There were no reported closures of ma'tams or mosques during the year. The Government also may appropriate or withhold funding in order to reward or punish particular individuals or places of worship.

The High Council for Islamic Affairs is responsible for the review and approval of all clerical appointments within both the Sunni and Shi'a communities, and it maintains program oversight for all citizens studying religion abroad. Public religious events, most notably the large annual commemorative marches by Shi'a, are permitted but are monitored closely by the police. There are no restrictions on the number of citizens permitted to make pilgrimages to Shi'a shrines and holy sites in Iran, Iraq, and Syria. The Government monitors travel to Iran and scrutinizes carefully those who choose to pursue religious study there.

The Government discourages proselytizing by non-Muslims and prohibits anti-Islamic writings. However, Bibles and other Christian publications are displayed and sold openly in local bookstores that also sell Islamic and other religious literature. Some small groups worship in their homes. Notable dignitaries from virtually every religion and denomination visit the country and frequently meet with the Government and civic leaders. Religious tracts of all branches of Islam, cassettes of sermons delivered by Muslim preachers from other countries, and publications of other religions readily are available.

Until February 14, the Government had held in detention hundreds of Shi'a, including religious leaders, for offenses involving "national security" (see Sections 1.d. and 1.e.). By February 14, the Amir had pardoned and released all political prisoners and detainees (see Sections 1.d. and 1.e.), including Hassan Sultan and Haji Hassan Jassrallah, two Shi'a clerics associated with prominent cleric Shaikh Abdul Amir Al-Jamri, as well as Shi'a political activist and religious leader Abdul Wahab Hussein, who had been in detention for more than 5 years.

On March 8, Bahraini cleric Shaikh Issa Qasim, the former head of the Shi'a Religious Party, returned to the country after an 8-year exile. The Government permitted large crowds of celebrating Shi'a to greet Qasim upon his return.

In July 1999, the Amir pardoned Al-Jamri, who had been in prison since 1996. Following his release, the Government had monitored Al-Jamri's movements. However, in January the Government ceased conducting surveillance of Al-Jamri's residence and permitted him to lead Friday afternoon prayers. During the year, Al-Jamri also met with the Amir to discuss domestic and international issues, and delivered sermons at various mosques in Manama, which were published in local newspapers. Al-Jamri also served as a founding member of Al-Wifaq, one of the four NGO's authorized to conduct political activities (see Section 2.b.).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government imposes some limits on these rights. Citizens are free to move within the country and change their place of residence or work. In the past, the Government denied passports on political grounds; however, there were no reports of such denials during the year. During the year, the Government granted citizenship to all persons born in the country, including nearly all of the formerly stateless Shi'a of Iranian origin known as the bidoon, who constitute approximately 3 percent of the population (see Section 5). The conferral of citizenship was symbolized by the issuance of passports, which had been denied them in the past. The Government occasionally grants citizenship to Sunni residents, most of whom are from Jordan, the Arabian Peninsula, and Egypt.

Under the 1963 Citizenship Law, the Government may reject applications to obtain or renew passports for reasonable cause, but the applicant has the right to appeal such decisions before the High Civil Court. The Government also has issued temporary passports, valid for one trip per year, to individuals whose travel it wishes to control or whose claim to citizenship is questionable. A noncitizen resident may obtain a laissez-passer (travel document), usually valid for 2 years and renewable at Bahraini embassies overseas. The holder of a laissez-passer also requires a visa to reenter the country.

The Government cooperates with the U.N. High Commissioner for Refugees, although it has not formulated a formal policy regarding refugees, asylees, or first asylum. The Government usually does not accept refugees due to the country's small size and limited resources. However, there were no reports of the forced return of persons to a country where they feared persecution. Many Iranian emigres who fled after the Iranian revolution and were granted permission to remain in the country, received citizenship during the year.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government or their political system peacefully. Since the dissolution of the National Assembly in 1975, there have been no formal democratic political institutions. The Prime Minister makes all appointments to the Cabinet. The relevant ministries fill all other government positions. Ruling family members hold all security-related offices.

In February an overwhelming majority of eligible citizens (98.4 percent), both male and female, endorsed a government plan, the National Action Charter, to restore constitutional rule. The Government established the National Action Charter Implementing Committee to draft the necessary laws to lay the foundation for constitutional rule. A new press law is being drafted and is expected to be enacted in mid-2002.

On October 2, at the opening of the 10th session of the Consultative Council (Majlis Al-Shura), the Amir stated that the country would become a constitutional monarchy, with a government based on separation of powers, majority rule, and minority rights. He stated that the legislative branch would consist of a directly elected lower house and an appointed upper house. The exact powers of the two houses of the prospective legislature are under discussion.

The Amir also stated in his speech that municipal governments also would be elected directly by all citizens. In December the Government proposed and the Consultative Council approved a law establishing directly elected municipal councils for all five governorates of the country and a second law to regulate the election of council members. The councils will have full authority to allocate resources in their jurisdiction for local services. Funding will come from taxes collected by the Ministry of Municipalities and the Environment.

In 1992 the Amir established by decree the Majlis Al-Shura. Its 40 members are appointed by the Amir to advise him and to represent citizens from all 4 major religious groups: 20 Sunni, 18 Shi'a, 1 Christian, and 1 Jewish. Majlis members are selected to represent major constituent groups, including representatives from the business, labor, professional, and religious communities. There are no members of the ruling Al-Khalifa family in the Majlis. In addition to reviewing legislation submitted by the Cabinet, the Majlis may initiate debate independently and propose legislation. The Majlis also may summon cabinet ministers to respond to questions; however, its recommendations are not binding on the Government. The Majlis ended its 9th session in May and began its 10th session on October 2.

During the year, the Majlis debated several contentious social and economic issues, including municipal council elections, unemployment, health regulations, and early retirement for female civil servants, and drafted proposals on these and other topics for government consideration. In 1999 a Majlis Human Rights Committee was formed. The Committee's deliberations and reports have not been made public; however, according to the Speaker of the Majlis, the Government responded favorably to all of the Committee's recommendations by incorporating them into legislation or by taking other appropriate actions.

The percentage of women in government and politics does not correspond to their percentage of the population; however, there are now four women in the Majlis Al-Shura, whereas there had been none before. There are no women at the ministerial levels of Government. The majority of women who choose to work in government do so in a support capacity, and only a few have attained senior positions within their respective ministries or agencies. Women were permitted to vote in the February referendum on the National Action Charter.

In September 2000, the Amir appointed the first Christian and Jewish members to the Majlis Al-Shura; an ethnic Iranian also was appointed. Approximately one-third of the cabinet ministers are Shi'a.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Restrictions on freedom of association and expression sometimes hinder investigation or public criticism of the Government's human rights policies; however, in May the Government registered the Bahrain Human Rights Society, the first local nongovernmental human rights organization. The Society began an active campaign to raise human rights awareness in the country, holding several seminars and workshops. The society also sent representatives to attend the World Conference on Racism in Durban. Most, if not all, of the members of the Damascus-based Committee for the Defense of Human Rights in Bahrain and the Copenhagen-based Bahrain Human Rights Organization have returned to the country since the February referendum on the National Action Charter. The London-based Bahrain Freedom Movement and the Beirut-based Islamic Front for the Liberation of Bahrain remain active outside the country, but Bahrain Freedom Movement leader Dr. Mansur Al-Jamry returned to the country in December to establish an independent newspaper. The Bahrain Freedom Movement has endorsed the results of the National Action Charter referendum and fully supports the Amir's political reform initiative.

In recent years, the Government has allowed increasing access by international human rights organizations. Representatives of Amnesty International visited the country in March and November, meeting with the Amir on the first visit and cohosting a seminar with the Bahrain Human Rights Society on the second. The press reported that during the seminar, Amnesty International's senior representative praised the improvement in the Government's human rights record during the year. The ICRC continued to visit the country's prisons throughout the year (see Section 1.c.).

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equality, equal opportunity, and the right to medical care, welfare, education, property, capital, and work for all citizens. However, in practice these rights are protected unevenly, depending on the individual's social status, ethnicity, or sex.

##### Women

Women's groups and health care professionals state that spousal abuse is common, particularly in poorer communities. In general there is little public attention to, or discussion of, the problem. Incidents usually are kept within the family. No government policies or laws explicitly address violence against women. During the year, a few articles appeared in the local press discussing violence against women and the need for laws to defend women who are abused. There are very few known instances of women seeking legal redress for violence. Anecdotal evidence suggests that the courts are not receptive to such cases. Rape is illegal; however, because marital relations are governed by Shari'a law, spousal rape is not a legal concept within the law.

It is not uncommon for foreign women working as domestic workers to be beaten or sexually abused (see Sections 6.c. and 6.e.). Numerous cases have been reported to local embassies and the police. However, most victims are too intimidated to sue their employers. Courts reportedly have allowed victims who do appear to sue for damages, return home, or both.

Although prostitution is illegal, some foreign women, including some who work as hotel and restaurant staff, engage in prostitution. (see Section 6.f.).

Shari'a governs the legal rights of women. Specific rights vary according to Shi'a or Sunni interpretations of Islamic law, as determined by the individual's faith, or by the court in which various contracts, including marriage, have been made.

While both Shi'a and Sunni women have the right to initiate a divorce, religious courts may refuse the request. Although local religious courts may grant a divorce to Shi'a women in routine cases, occasionally Shi'a women seeking divorce under unusual circumstances must travel abroad to seek a higher ranking opinion than that available in the country. Women of either branch may own and inherit property and may represent themselves in all public and legal matters. In the absence of a direct male heir, Shi'a women may inherit all property. In contrast, Sunni women--in the absence of a direct male heir--inherit only a portion as governed by Shari'a; the balance is divided among brothers, uncles, and male cousins of the deceased.

In divorce cases, the courts routinely grant Shi'a and Sunni women custody of daughters under the age of 9 and sons under the age of 7, although custody usually reverts to the father once the children reach those ages. Regardless of custody decisions, in all circumstances, except for mental incapacitation, the father retains the



right to make certain legal decisions for his children, such as guardianship of any property belonging to the child, until the child reaches legal age. A noncitizen woman automatically loses custody of her children if she divorces their citizen father. A Muslim woman legally may marry a non-Muslim man if the man converts to Islam. In such marriages, the children automatically are considered to be Muslim. Women may obtain passports and leave the country without the permission of the male head of the household. Women are free to work outside the home, to drive cars without escorts, and to wear clothing of their choice.

Women increasingly have taken jobs previously reserved for men, and constitute approximately 20 percent of the workforce. The Labor Law does not discriminate against women; however, in practice, there is discrimination in the workplace, including inequality of wages and denial of opportunity for advancement. Sexual harassment is prohibited; however, it is a widespread problem for foreign women. The Government has encouraged the hiring of women, enacted special laws to promote their entry into the work force, and is a leading employer of women. The Labor Law does not recognize the concept of equal pay for equal work, and women frequently are paid less than men. Generally women work outside the home during the years between secondary school or university and marriage.

Some women complain that admissions policies at the National University aim to increase the number of male students at the expense of qualified female applicants, especially Shi'a women. Nevertheless, women make up the majority of students at the country's universities.

There are a large number of women's organizations that seek to improve the status of women under both civil and Islamic law. Some women have expressed the view that, despite their participation in the work force, women's rights are not advancing significantly and that much of the lack of progress is due to the influence of Islamic religious traditionalists. However, other women desire a return to more traditional values and support calls for a return to traditional Islamic patterns of social behavior.

#### Children

The Government has stated often its commitment to the protection of children's rights and welfare within the social and religious framework of this traditional society. It generally honors this commitment through enforcement of civil and criminal laws and an extensive social welfare network. Public education for citizen children below the age of 15 is free; it is not available for the children of foreign workers. While the Constitution provides for compulsory education at the primary levels (usually up to 12 or 13 years of age), the authorities do not enforce attendance. Limited medical services for infants and preadolescents are provided free of charge.

The social status of children is shaped by tradition and religion to a greater extent than by civil law. Child abuse is rare, as is public discussion of it; the preference of the authorities is to leave such matters within the purview of the family or religious groups. The authorities actively enforce the laws against prostitution, including child prostitution, procuring, and pimping. Violators are dealt with harshly and may be imprisoned, or, if a noncitizen, deported. In the past, the authorities reportedly returned children arrested for prostitution and other nonpolitical crimes to their families, rather than prosecute them, especially for first offenses. There were no reports of child prostitution during the year.

Some legal experts have called on the Government to establish a separate juvenile court. However, other citizens insist that the protection of children is a religious, not a secular, function and oppose greater government involvement. Independent and quasi-governmental organizations, such as the Bahraini Society for the Protection of Children and the Mother and Child Welfare Society, play an active part in protecting children by providing counseling, legal assistance, advice, and, in some cases, shelter and financial support to distressed children and families.

There were very few reports of arrests and detentions of juveniles during the year, and those who were arrested reportedly were released soon thereafter.

#### Persons with Disabilities

The law protects the rights of persons with disabilities and a variety of governmental, quasi-governmental, and religious institutions are mandated to support and protect persons with disabilities. The regional (Persian Gulf) Center for the Treatment of the Blind is headquartered in the country, and a similar Center for the Education of Deaf Children was established in 1994. Society tends to view persons with disabilities as special cases in need of protection rather than as fully functioning members of society. Nonetheless, the Government is required by law to provide vocational training for persons with disabilities who wish to work, and maintains a list of certified, trained persons with disabilities.

The Labor Law of 1976 also requires that any employer of more than 100 persons must hire at least 2 percent of its employees from the Government's list of workers with disabilities; however, the Government does not monitor compliance. The Ministry of Labor and Social Affairs works actively to place persons with disabilities in public sector jobs, such as in the public telephone exchanges. The Government's housing regulations require that access be provided to persons with disabilities. Greater emphasis has been given in recent years to public building design that incorporates access for persons with disabilities; however, the law does not mandate access to buildings for persons with disabilities.

#### Religious Minorities

Although there are notable exceptions, the Sunni Muslim minority enjoys a favored status. Sunnis receive preference for employment in sensitive government positions and in the managerial ranks of the civil service. While the defense and internal security forces predominantly are Sunni, Shi'a citizens now are allowed to hold posts in these forces; however, they do not hold positions of significance. In the private sector, Shi'a citizens tend to be employed in lower paid, less skilled jobs.

Educational, social, and municipal services in most Shi'a neighborhoods, particularly in rural villages, are inferior to those found in Sunni urban communities. In an effort to remedy societal discrimination, the Government has built numerous subsidized housing complexes that are open to all citizens on the basis of financial need.

After demonstrations in support of Palestinians in October 2000, several youths and men reportedly boarded a bus carrying Catholic parishioners and took Bibles from the parishioners, throwing some of the Bibles out of bus windows.

#### National/Racial/Ethnic Minorities

Nearly all bidoon, a group of approximately 9,000 to 15,000 formerly stateless persons, mostly Shi'a of Persian-origin but including some Christians, were granted citizenship during the year. Many are second-generation or third-generation residents whose ancestors emigrated from Iran. Without citizenship, bidoon legally had been prohibited from buying land, starting a business, or obtaining government loans. Bidoon and citizens who speak Farsi rather than Arabic as their first language face significant social and economic discrimination, including difficulty in finding employment.

### Section 6 Worker Rights

#### a. The Right of Association

The Constitution recognizes the right of workers to organize; however, the Government bans independent trade unions. Government regulations do not mention the right to organize, and only prescribe the establishment of Joint Labor-Management Committees (JLC's).

Labor regulations permit the formation of elected workers' committees in larger companies. Worker representation is based on the JLC system, which was established by ministerial decree. One new JLC was established in November 2000, bringing the total to 20.

The JLC's are composed of equal numbers of appointed management representatives and worker representatives who are elected from among and by company employees in elections organized by management. Each committee is chaired alternately by a management and worker representative. The selection of worker representatives appears to be fair. Under the law, the Ministry of Interior may exclude worker candidates with criminal records or those deemed a threat to national security, but the Government has not taken such action in recent years.

The elected worker representatives of the JLC's select the 11 members of the General Committee of Bahrain workers (GCBW), which was established by law in 1983, and which oversees and coordinates the work of the JLC's. The GCBW also hears complaints from citizen and foreign workers and helps them bring their complaints to the attention of the Ministry of Labor or the courts. Representatives to the GCBW are elected to 3-year terms, and have included workers from a variety of occupations, including Sunni and Shi'a Muslims, foreign workers, and one woman. Although the Government and company management are not represented on the GCBW, the Ministry of Labor closely monitors the body's activities and a Ministry representative attends and supervises GCBW general meetings. The Ministry approves the GCBW's rules and the distribution of the GCBW's funds. Some senior JLC and GCBW officials have been harassed. The JLC/GCBW system represents nearly 70 percent of the country's native industrial workers. Both the Government and labor

representatives readily admit that nonindustrial workers and foreign workers clearly are underrepresented in the system. The Ministry of Labor and Social Affairs supports the formation of JLC's in all public and private sector companies that employ more than 200 workers, and a JLC was established in the textile sector in 1999.

Although foreign workers constitute 67 percent of the work force, they are underrepresented in the GCBW. Foreign workers participate in the JLC elections, and five foreign workers currently serve on JLC's. However, none sits on the board of the GCBW. It is a long-term goal of both the Government and the GCBW to replace foreign workers with citizens throughout all sectors of the economy and to create new jobs for citizens seeking employment.

The Labor Law does not address the right to strike, and there were no strikes during the year. The 1974 National Security Act, which the Amir annulled in February, had prohibited actions perceived to be detrimental to the "existing relationship" between employers and employees or to the economic health of the State.

Internationally affiliated trade unions do not exist. The GCBW represents workers in the Arab Labor Organization, but does not belong to any international trade union organizations.

#### b. The Right to Organize and Bargain Collectively

The Government effectively denies workers the right to organize and bargain collectively. The Labor Law does not permit this right outside the JLC system. While the JLC's are empowered to discuss labor disputes, organize workers' services, and discuss wages, working conditions, and productivity, workers have no independent, recognized mechanism for representing their interests on these or other labor-related issues. Minimum wage rates for public sector employees are established by decrees issued by the Council of Ministers. Private businesses generally follow the Government's lead in establishing their wage rates.

There are two export-processing zones (EPZ's). Labor law and practice are the same in the EPZ's as in the rest of the country.

#### c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by law; however, in practice the labor laws apply for the most part only to citizens, and abuses occur, particularly in the cases of domestic servants and those working illegally. The law also prohibits forced and bonded child labor, and the Government enforces this prohibition effectively.

Foreign workers, who make up at least 67 percent of the workforce, in many cases arrive in the country under the sponsorship of an employer and then switch jobs while continuing to pay a fee to their original sponsor. This practice makes it difficult to monitor and control the employment conditions of domestic and other workers. The Government took no substantive action during the year to stop the practice.

Amendments to the Labor Law passed in 1993 stiffened the penalties for job switching to include jail sentences of up to 6 months for the sponsor of every illegally sponsored worker; however, sponsors have not received jail sentences. In such cases, the workers involved usually are deported as illegal immigrants after the case is concluded. During the summer and fall of 1998, the Government conducted an amnesty program under which undocumented foreign workers were permitted either to legalize their status or leave the country without penalty. On October 1, 2000, the Government again gave illegal immigrants 3 months to legalize their status or leave the country.

The sponsorship system leads to additional abuses. Unskilled foreign workers in essence become indentured workers, and are unable to change employment or leave the country without their sponsors' consent. There are numerous credible reports that employers withhold salaries from their foreign workers for months, even years, at a time, and may refuse to grant them the necessary permission to leave the country. The Government and the courts generally work to rectify abuses brought to their attention, but they otherwise focus little attention on the problem, and the fear of deportation or employer retaliation prevents many foreign workers from making complaints to the authorities (see Section 6.e.).

Labor Laws do not apply to domestic servants. There are numerous credible reports that domestic servants, especially women, are forced to work 12- or 16-hour days, given little time off, malnourished, and subjected to verbal and physical abuse, including sexual molestation and rape. Between 30 and 40 percent of the attempted suicide cases handled by the Government's psychiatric hospitals are foreign maids (see Section 6.e.).

Foreign women employed as hotel and restaurant staff typically are locked in a communal house when not working and driven to work in a van. Many are involved in prostitution and reportedly trade sexual favors with hotel managers in exchange for time off from work (see Section 6.f.).

#### d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment is 14 years of age. Juveniles between the ages of 14 and 16 may not be employed in hazardous conditions or at night, and may not work more than 6 hours per day or on a piecework basis. Child labor laws are enforced effectively by Ministry of Labor inspectors in the industrial sector; child labor outside that sector is monitored less effectively, but it is not believed to be significant outside family-operated businesses, and even in such businesses it is not widespread. Some children work in the market areas as car washers and porters.

The law prohibits forced and bonded child labor, and the Government enforces this prohibition effectively (see Section 6.c.).

In February the Government ratified ILO Convention 182 on the worst forms of child labor.

#### e. Acceptable Conditions of Work

Minimum wage scales, set by government decree, exist for public sector employees, and generally provide a decent standard of living for a worker and family. The minimum wage for the public sector is \$278.25 (105 dinars) a month. Wages in the private sector are determined on a contract basis. For foreign workers, employers consider benefits such as annual trips home, housing, and education bonuses as part of the salary.

The Labor Law, enforced by the Ministry of Labor and Social Affairs, mandates acceptable conditions of work for all adult workers, including adequate standards regarding hours of work (maximum 48 hours per week) and occupational safety and health.

The Ministry enforces the law with periodic inspections and routine fines for violators. The press often performs an ombudsman function on labor problems, reporting job disputes and the results of labor cases brought before the courts. Once a worker has lodged a complaint, the Ministry of Labor and Social Affairs opens an investigation and often takes remedial action. The Fourth High Court has jurisdiction over cases involving alleged violations of the Labor Law. Complaints brought before the Ministry of Labor and Social Affairs that cannot be settled through arbitration by law must be referred to the Court within 15 days. In practice most employers prefer to settle such disputes through arbitration, particularly since the court and labor law generally are considered to favor the employee.

Under the Labor Law, workers have the right to remove themselves from dangerous work situations without jeopardy to their continued employment.

The Labor Law specifically favors citizens over foreign workers and Arab foreigners over other foreign workers in hiring and firing. Because employers include housing and other allowances in their salary scales, foreign workers legally may be paid lower regular wages than their citizen counterparts, although they sometimes receive the same or a greater total compensation package because of home leave and holiday allowances. Western foreign workers and citizen workers are paid comparable wages, with total compensation packages often significantly greater for the former. Women are entitled to 60 days of paid maternity leave and nursing periods during the day. However, women generally are paid less than men are.

In 1993 the Government strengthened the Labor Law by decree of the Amir, announcing that significant fines and jail sentences would be imposed upon private sector employers who fail to pay wages required by law. This law applies equally to employers of citizens and foreign workers and was intended to reduce abuses against foreign workers, who at times are denied the required salaries (see Section 6.c.). The law provides equal protection to citizen and foreign workers; however, all foreign workers require sponsorship by citizens or locally based institutions and companies. According to representatives of several embassies with large numbers of workers in the country, the Government generally is responsive to embassy requests to investigate foreign worker complaints regarding unpaid wages and mistreatment. However, foreign workers, particularly those from developing countries, often are unwilling to report abuses for fear of losing residence rights and having to return to their countries of origin. Sponsors are able to cancel the residence permit of any person under their sponsorship and thereby block them for a year from obtaining entry or residence visas from another sponsor; however, the sponsor may be subject to sanctions for wrongful dismissal. Foreign women who work as domestic workers often are beaten or sexually abused (see Section 5). Between 30 and 40 percent of attempted suicide cases handled by the Government's psychiatric hospitals are foreign maids (see Section

6.c.).

It is a long-term goal of both the Government and the GCBW to replace foreign workers with citizens throughout all sectors of the economy and to create new jobs for citizens seeking employment.

f. Trafficking in Persons

The law does not specifically prohibit trafficking in persons, and there are reports that some foreign workers are recruited for employment on the basis of fraudulent contracts and then forced into domestic servitude or sexual exploitation. Workers from the Philippines, Ethiopia, India, Russia, and Belarus have reported being forced into domestic servitude and sexual exploitation.

Although prostitution is illegal, some foreign women, including some who work as hotel and restaurant staff, engage in prostitution. Such women typically are locked in a communal house when not working and driven to work in a van (see Section 6.c.).

Unskilled foreign workers in essence become indentured workers, and are unable to change employment or leave the country without their sponsors' consent (see Section 6.c.).

The Government has not yet made significant efforts to combat trafficking. It does not recognize that trafficking is a problem because foreign workers travel to the country voluntarily. The Government does not devote resources to combat trafficking in persons. Victims of trafficking may seek assistance from their embassies. The Government does not provide assistance to victims.